

SENATE BILL 459

By Bell

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 38, Chapter 8, Part 1, relative to the Tennessee peace officer standards and training commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-8-102, is amended by adding the following as a new subsection:

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(1) A member of the commission who misses more than fifty percent (50%) of the scheduled meetings in a calendar year shall be removed as a member of the commission.

(2) The chair of the commission shall promptly notify the respective appointing authority of any member who fails to satisfy the attendance requirement as prescribed in subdivision ()(1).

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, Part 1, is amended by adding the following as a new section:

38-8-126.

(a)

(1) An officer certified under this part who is arrested for any offense shall notify the executive secretary of the commission of the arrest within twenty-four (24) hours of the time the arrest was made, as contained in the arrest report.

(2) The chief officer of the law enforcement agency making the arrest, if known that the person arrested is a certified officer, and the chief officer of the law enforcement agency employing the officer at the time of the arrest, if known

that the officer has been arrested, shall notify the executive secretary of the arrest within twenty-four (24) hours of the time the arrest was made, as contained in the arrest report, or within twenty-four (24) hours of gaining knowledge of the arrest, whichever is later.

(3) Any officer certified under this part and employed by a law enforcement agency, including, but not limited to, the arresting officer, if known that the person arrested is a certified officer, shall notify the executive secretary of the arrest within twenty-four (24) hours of the time the arrest was made, as contained in the arrest report, or within twenty-four (24) hours of gaining knowledge of the arrest, whichever is later.

(b) The commission may revoke or suspend the certification, withhold a pay supplement pursuant to § 38-8-111(e)(2), or take any other lawful action against:

(1) An officer certified under this part who is arrested for any offense and knowingly fails to notify the executive secretary of the arrest within the time period prescribed in subdivision (a)(1);

(2) The chief officer of a law enforcement agency who is required to notify the executive secretary of an arrest pursuant to subdivision (a)(2) and who knowingly fails to provide such notification within the time period prescribed in subdivision (a)(2); and

(3) Any officer certified under this part and employed by a law enforcement agency, including, but not limited to, an arresting officer, who is required to notify the executive secretary of an arrest pursuant to subdivision (a)(3) and who knowingly fails to notify the executive secretary or to take action reasonably calculated to notify the executive secretary within the time period prescribed in subdivision (a)(3).

SECTION 3. Tennessee Code Annotated, Section 38-8-111(e), is amended by designating the existing language as subdivision (e)(1) and adding the following as subdivision (2):

(2) The commission may, in addition to or in lieu of any other lawful action, withhold the next pay supplement due an officer certified under this part if the chief officer of a law enforcement agency or an officer certified under this part fails to notify the executive secretary of the arrest as prescribed in § 38-8-126(a).

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it.